



**TOWN OF DISCOVERY BAY**  
*A COMMUNITY SERVICES DISTRICT*



President – Robert Leete • Vice-President – Kevin Graves • Director – Bill Mayer • Director – Bill Pease • Director – Chris Steele

**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT  
AGENDA PACKET**

**Regular Meeting  
Wednesday, May 3, 2017**

**7:00 P.M. Regular Meeting**

**Community Center  
1601 Discovery Bay Boulevard**



# TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT



President – Robert Leete • Vice-President – Kevin Graves • Director – Bill Mayer • Director – Bill Pease • Director – Chris Steele

**NOTICE OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY**

Wednesday May 3, 2017

REGULAR MEETING 7:00 P.M.

Community Center

1601 Discovery Bay Boulevard, Discovery Bay, California

Website address: [www.todb.ca.gov](http://www.todb.ca.gov)

**REGULAR MEETING 7:00 P.M.**

**A. ROLL CALL AND PLEDGE OF ALLEGIANCE**

1. Call business meeting to order 7:00 p.m.
2. Pledge of Allegiance
3. Roll Call

**B. PUBLIC COMMENTS (Individual Public Comments will be limited to a 3-minute time limit)**

During Public Comments, the public may address the Board on any issue within the District's jurisdiction which is not on the Agenda. The public may comment on any item on the Agenda at the time the item is before the Board for consideration. Any person wishing to speak must come up and speak from the podium and will have 3 minutes to make their comment. There will be no dialog between the Board and the commenter. Any clarifying questions from the Board must go through the President.

**C. CONSENT CALENDAR**

All matters listed under the CONSENT CALENDAR are considered by the District to be routine and will be enacted by one motion.

1. Approval of DRAFT minutes of special Area of Benefit meeting for April 18, 2017.
2. Approval of DRAFT minutes of regular meeting for April 19, 2017.
3. Approval of Register of District Invoices.
4. Approval of the purchase of two (2) budgeted 2017 Ford F-250 water and wastewater service trucks.
5. Approval of DRAFT revisions to Board Policy #012 and #013 to require specified users of Town parks and facilities to provide liability insurance with a separate additional insured endorsement.
6. Approval of the Board President to sign a letter to Senator Cannella opposing SB 496.

**D. AREA AGENCIES REPORTS / PRESENTATION**

1. Supervisor Diane Burgis, District III Report
2. Sheriff's Office Report
3. CHP Report
4. Marine Patrol Report

**E. LIAISON REPORTS**

**F. PRESENTATIONS**

**G. BUSINESS AND ACTION ITEMS**

1. Discussion and possible action to designate a Town Board Member and alternate to the East County Water Management Association Governing Board Representatives; and make nomination, if at all, for appointment to office.

**H. MANAGER'S REPORT**

1. Bi-Monthly Water Meter Completion Report Update.

**I. INFORMATIONAL ITEMS ONLY**

**J. DIRECTORS' REPORTS**

1. Standing Committee Reports
2. Other Reportable Items

**K. GENERAL MANAGER'S REPORT**

**L. CORRESPONDENCE RECEIVED**

1. Received April 20, 2017 – Department of Conservation and Development – Notice of Public Hearing – Zoning Text Amendment.

**M. FUTURE AGENDA ITEMS**

**N. OPEN SESSION DISCLOSURE OF CLOSED SESSION AGENDA**

(Government Code Section 54957.7)

**O. CLOSED SESSION:**

1. Conference with Legal Counsel – Existing Litigation pursuant to subdivision (a) of Section 54956.9 of the Government Code.  
Name of case: Robert Abbadie v. Town of Discovery Bay CSD and York Services Group, Inc., WCAB Case No. (Unassigned).
2. Conference with Legal Counsel—Anticipated Litigation pursuant to Government Code Section 54956.9(b) - (Two Potential Cases).

**P. RETURN TO OPEN SESSION; REPORT ON CLOSED SESSION**

(Government Code Section 54957.1)

**Q. ADJOURNMENT**

1. Adjourn to the next regular meeting of May 17, 2017 beginning at 7:00 p.m. at the Community Center located at 1601 Discovery Bay Boulevard.

"This agenda shall be made available upon request in alternative formats to persons with a disability, as required by the American with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code § 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact the Town of Discovery Bay, at (925)634-1131, during regular business hours, at least twenty-four hours prior to the time of the meeting."

"Materials related to an item on the Agenda submitted to the Town of Discovery Bay after distribution of the agenda packet are available for public inspection in the District Office located at 1800 Willow Lake Road during normal business hours."



# TOWN OF DISCOVERY BAY

*A COMMUNITY SERVICES DISTRICT*



President – Robert Leete • Vice-President – Kevin Graves • Director – Bill Mayer • Director – Bill Pease • Director – Chris Steele

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**The item listed below will be  
provided prior to the meeting**

**H. MANAGER'S REPORT**

H-1. Bi-Monthly Water Meter Completion Report Update



# TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT



President – Robert Leete • Vice-President – Kevin Graves • Director – Bill Mayer • Director – Bill Pease • Director – Chris Steele

## MINUTES OF THE SPECIAL DISCOVERY BAY AREA OF BENEFIT WORKSHOP OF THE BOARD OF DIRECTORS

Tuesday, April 18, 2017

DISCOVERY BAY AREA OF BENEFIT WORKSHOP – 4:00 P.M.

Community Center

1601 Discovery Bay Boulevard, Discovery Bay, California

Website address: [www.todb.ca.gov](http://www.todb.ca.gov)

### A. ROLL CALL

1. Call business meeting to order 4:00 p.m. – By President Leete
2. Roll Call – All Present with the exception of Vice-President Graves

### B. PUBLIC COMMENTS (Public Comments will be limited to a 3-minute time limit)

None

### C. DISCOVERY BAY AREA OF BENEFIT WORKSHOP

1. An interactive workshop between the Board and the Contra Costa County Public Works on the Discovery Bay Area of Benefit DRAFT Plan.

Contra Costa County Public Works Tianjun Cao, Staff Engineer - Provided the details of the presentation related to Discovery Bay Area of Benefit (AOB) boundaries, fee rate, and the project list. There was discussion related to merging Discovery Bay West AOB into the Discovery Bay Proper AOB;

The discussion continued regarding the Discovery Bay projects related to safety, the fees associated with the East Bay AOB plans, and the Environmental Impact Process.

Consensus of the Board and direction for a proposal to Supervisor Burgis is to bring the residential rate up to Discovery Bay West, the non-residential rates ramp up over the next five years, and to combine Discovery Bay West AOB with Discovery Bay Proper AOB.

### D. ADJOURNMENT

The meeting adjourned at 5:03 p.m. to the next Regular meeting of April 19, 2017 starting at 7:00 p.m. at the Community Center.

//cmc – 04-25-17

<http://www.todb.ca.gov/agendas-minutes>



# TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT



President – Robert Leete • Vice-President – Kevin Graves • Director – Bill Mayer • Director – Bill Pease • Director – Chris Steele

## MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY

Wednesday April 19, 2017

REGULAR MEETING 7:00 P.M.

Community Center

1601 Discovery Bay Boulevard, Discovery Bay, California

Website address: [www.todb.ca.gov](http://www.todb.ca.gov)

### REGULAR MEETING 7:00 P.M.

#### A. ROLL CALL AND PLEDGE OF ALLEGIANCE

1. Call business meeting to order 7:00 p.m. – By President Leete
2. Pledge of Allegiance – Led by President Leete
3. Roll Call – All Present with the exception of Vice-President Graves

General Manager Davies – Provided a proposed change to move agenda item G-3 (Revised Bylaws regarding Regional Representation and appointments to Regional Committees) to a future meeting where all Board Members could be present. There was discussion related to moving the item to a later date and the consensus of the Board is to keep the item on the agenda for consideration.

#### B. PUBLIC COMMENTS (Individual Public Comments will be limited to a 3-minute time limit)

None

#### C. CONSENT CALENDAR

All matters listed under the CONSENT CALENDAR are considered by the District to be routine and will be enacted by one motion.

1. Approval of regular minutes for April 5, 2017.
2. Approve Register of District Invoices.
3. Approve Board attendance at the Special District Leadership Academy Conference.

Motion by: Director Pease to approve the Consent Calendar.

Second by: Director Mayer

Vote – Motion Carried – AYES: 4 – President Leete, Director Mayer, Director Pease, Director Steele, NOES: 0, ABSENT: 1 – Vice-President Graves

#### D. PRESENTATIONS

1. Presentation of the Close of the 2017 Bond Series.  
Prager & Co., LLC. Saul Rosenbaum – Provided an update related to the close of the 2017 Revenue Bond Series. There was discussion related to the Federal Tax Exempt Bond, and the completion of the 2017 Revenue Bond Series and the work involved with District staff.
2. Presentation from the Contra Costa Mosquito & Vector Control District.  
Community Representative, Nola Woods – Provided a presentation regarding the background of the Contra Costa Mosquito & Vector Control District, the details related to the types of mosquitos and vector and the services provided by the Contra Costa Mosquito & Vector Control District. There was discussion regarding presentations provided to Elementary Schools etc., resources and funds to handle the additional work related to the services to control mosquitos, how to subscribe to Contra Costa Mosquito & Vector Control District email blast system; [contracostamosquito.com](http://contracostamosquito.com) – to subscribe to the newsletters etc., and that other agencies would take care of issues with Bats.

**3. Presentation related to the Filtration Project.**

Herwit Engineering, Gregory Harris – Provided an update regarding the Filtration Project, Title 22 requirements for the project, and pictures of the progress for the project. There was discussion related to the prediction of the flow level and usage, Title 22 requirements, and recycled water (Purple Pipe Water) and the certification needed for use of recycled water.

**E. AREA AGENCIES REPORTS / PRESENTATION**

1. East Contra Costa Fire Protection District Report – No report.

**F. MONTHLY WATER AND WASTEWATER REPORT – VEOLIA**

1. Veolia Report – Month of March 2017

Project Manager Berney Sadler – Provided the details of the March 2017 Monthly Operations Report. There was discussion related to water line detection for small pipes, and the flushing of the fire hydrants; performed quarterly (in the evening) and will be flushing more frequently now that some water restrictions have been lifted.

**G. BUSINESS AND ACTION ITEMS**

1. Discussion and approval of the 2017 Program, Activities, and Event Fee Waivers.

Recreation Programs Supervisor Mac Kaiser – Provided an update related to the 2017 program activities and event fee waivers.

Motion by: Director Pease to accept the 2017 Programs, Activities, and Events Fee Waivers for FY16/17 by the General Managers for a total amount of \$310.00 for the “Resisting Aggression Defensively (R.A.D.) Program.

Second by: Director Mayer

Vote: Motion Carried – AYES: 4 – President Leete, Director Mayer, Director Pease, Director Steele, NOES: 0, ABSENT: 1 – Vice-President Graves

2. Discussion and possible action on a Second Amendment to the Veolia Operation and Maintenance Contract providing for the use of SL-RAT technology.

General Manager Mike Davies – Provided an background related to the Veolia Contract and the necessity to include the SL-RAT technology to the contract. There was discussion related to no additional charges for the SL-RAT technology.

Motion by: Director Pease to authorize the President and General Manager to sign a Second Amendment to the Veolia Contract for the Operation and Maintenance of Discovery Bay’s Water and Wastewater facilities using generic acoustic inspection technology language instead of brand specific language.

Second by: Director Steele

Vote: Motion Carried – AYES: 4 – President Leete, Director Mayer, Director Pease, Director Steele, NOES: 0, ABSENT: 1 – Vice-President Graves

3. Discussion and possible action on revised Bylaws regarding Regional Representation and appointments to Regional Committees as may be necessary.

Legal Counsel Attebery – Provided a background of the Regional Representation and appointments to Regional Committees and the revised Bylaws. There was discussion related to the Bylaws and the appointments for the committees.

Motion by: Director Pease to adopt the changes that are outlined by Legal Counsel for Regional Representation and bifurcation of appointments by continuing the item and give staff direction to bring back at a future meeting.

Second by: President Leete

Vote: Motion Carried – AYES: 3 – President Leete, Director Mayer, Director Pease, NOES: 1 - Director Steele, ABSENT: 1 – Vice-President Graves

There was discussion related to the vacancies and to temporarily appoint Director Mayer and staff will bring the item back when there is full board attendance.

Motion by: Director Mayer to have the vacancies from former Director Simon to be filled with Director Mayer.

Second by: Director Pease

Vote: Motion Carried – AYES: 3 – President Leete, Director Mayer, Director Pease, NOES: 1 - Director Steele, ABSENT: 1 – Vice-President Graves

**H. INFORMATIONAL ITEMS ONLY**

None

**I. DIRECTORS' REPORTS**

**1. Standing Committee Reports**

Director Steele – Provided details of the Parks and Recreation meeting related to the swimming program; lifeguard and classes and the leak of the pool.

Director Pease – Provided additional details from the Parks and Recreation meeting related to the appearance of the front entrance.

Director Mayer – Provided details of the Discovery Bay P6 Zone Citizen Advisory Committee meeting related to the allocation of funds directed towards law enforcement; also noted that the attendance has increased and that the meeting was worthwhile.

President Leete – Provided the details of the Contra Costa County Special Districts meeting regarding flood control issues, a presentation related to mosquitos, and a request with regard to East Bay Regional Park District - Bill 898.

**2. Other Reportable Items**

**J. MANAGER'S REPORT**

**1. Recreation Programs Supervisor Kaiser - Verbal update Special Projects/PG&E – Recreation.**

Recreation Programs Supervisor Mac Kaiser – Provided a presentation related to short and long term projects and the recreation services at the Discovery Bay Community Center.

**K. GENERAL MANAGER'S REPORT**

General Manager Davies – Recognized staff for the enthusiasm and for doing a fantastic job; special recognition to Finance Manager Breitstein related to the Bond issuance.

**L. CORRESPONDENCE RECEIVED**

**1. Received - Discovery Bay P-6 Zone Citizen Advisory Committee meeting minutes for February 8, 2017.**

**2. Received - East Contra Costa Fire Protection District meeting minutes for March 3, 2017.**

**3. Received - East Contra Costa Fire Protection District meeting minutes for March 6, 2017.**

**4. Received - Letter from East Contra Costa Fire Protection District regarding Appointed Interim Fire Chief.**

**5. Received - East Bay Regional Park District - 2017 Quantifying our Quality of Life. You can visit [www.ebparcs.org/economics](http://www.ebparcs.org/economics) for the Economic Analysis of the East Bay's Unique Environment.**

Director Pease pointed out that he would like staff to remove the flower planters at the Front Entrance.

**M. FUTURE AGENDA ITEMS**

None

The regular meeting adjourned at 8:21 p.m. to the Closed Session.

**N. OPEN SESSION DISCLOSURE OF CLOSED SESSION AGENDA**

(Government Code Section 54957.7)

Legal Counsel Attebery – The Board is now adjourning into closed session regarding item O-1.

**O. CLOSED SESSION:**

**1. Conference with Legal Counsel—Anticipated Litigation pursuant to Government Code Section 54956.9(b) - (Two Potential Cases).**

**P. RETURN TO OPEN SESSION; REPORT ON CLOSED SESSION**

(Government Code Section 54957.1)

Legal Counsel Attebery – Reporting from Closed Session on item O-1 and there is no reportable action.

**Q. ADJOURNMENT**

**1. The meeting adjourned at 8:50 p.m. to the regular meeting on May 3, 2017 beginning at 7:00 a.m. at the Community Center located at 1601 Discovery Bay Boulevard.**

//cmc – 04-25-17

<http://www.todb.ca.gov/agendas-minutes>



# Town of Discovery Bay

*"A Community Services District"*

## STAFF REPORT

Meeting Date

May 03, 2017

**Prepared By:** Dina Breitstein, Finance Manager & Lesley Marable, Accountant  
**Submitted By:** Mike Davies, General Manager

MRD

### Agenda Title

Approve Register of District Invoices

### Recommended Action

Staff recommends that the Board approve the listed invoices for payment,

### Executive Summary

District invoices are paid on a regular basis, and must obtain Board authorization prior to payment. Staff recommends Board authorization in order that the District can continue to pay warrants in a timely manner.

### Fiscal Impact:

**Amount Requested** \$ 284,052.74

**Sufficient Budgeted Funds Available?:** Yes (If no, see attached fiscal analysis)

**Prog/Fund #** See listing of invoices. **Category:** Operating Expenses and Capital Improvements

### Previous Relevant Board Actions for This Item

### Attachments

Request For Authorization to Pay Invoices for the Town of Discovery Bay CSD 2016/2017  
Request For Authorization to Pay Invoices for the Discovery Bay Lighting & Landscape District # 8 2016/2017  
Request For Authorization to Pay Invoices for the Discovery Bay Lighting & Landscape District # 9 2016/2017

AGENDA ITEM: C-3

**Request For Authorization To Pay Invoices (RFA)  
For The Meeting On May 03, 2017  
Town of Discovery Bay CSD  
For Fiscal Year's 7/16 - 6/17**

<u>Vendor Name</u>	<u>Invoice Number</u>	<u>Description</u>	<u>Invoice Date</u>	<u>Amount</u>
<b>Contra Costa County Reimbursement</b>				
Tee Janitorial & Maintenance	8759	Janitorial Service April 2017 (Z57,Z61)	04/21/17	\$80.00
Trugreen	61561893	Landscape Maintenance (Z61)	04/06/17	\$1,550.00
Trugreen	61841405	Landscape Maintenance (Z57)	04/11/17	\$925.00
		<b>Contra Costa County</b>	<b>Sub-Total</b>	<b>\$2,555.00</b>
<b>Water</b>				
Aaron Goldsworthy	APRIL 2017	Water Meter Project Steel Plates	04/20/17	\$160.00
Aflac	152812	Supplemental Insurance April 2017	04/25/17	\$339.18
Alhambra	13710019 041417	Bottle Water Service	04/14/17	\$11.86
American Retrofit Systems	1251	Building Maintenance	04/19/17	\$40.00
Amy Morganstein	101	Office Supplies	04/17/17	\$34.00
Bay Area News Group	2005831/1040705	Classified Advertising, Ground Water	03/31/17	\$131.40
Bill Pease	APRIL 2017	Expense Report April 2017	04/25/17	\$230.00
Chris Steele	APRIL 2017	Expense Report April 2017	04/25/17	\$184.00
Cintas	185600209	Mats	04/12/17	\$6.86
Cintas	185601213	Mats	04/19/17	\$6.86
County Of Contra Costa, Dept of Info Tec	10965	Data Processing Service March 2017	04/18/17	\$19.80
Croce, Sanguinetti & Vander Veen, Inc.	5192	Audit Services FY15/16	04/14/17	\$11,190.00
Freedom Mailing Service, Inc	31083	Water Bill Processing March 2017	03/10/83	\$1,025.63
J.W. Backhoe & Construction, Inc.	2765	Water Leak Laguna Ct	03/21/17	\$3,768.56
J.W. Backhoe & Construction, Inc.	2769	Water Leak Montauk Ct	04/07/17	\$4,699.49
J.W. Backhoe & Construction, Inc.	2773	Valve Repair Seal Way	04/13/17	\$8,059.28
Luhdorff & Scalmanini	32676	Water Meter Project Feb 2017	02/26/17	\$32,832.29
Luhdorff & Scalmanini	32676	General Services Feb 2017	02/26/17	\$5,155.00
Luhdorff & Scalmanini	32755	Water Meter Project March 2017	03/26/17	\$28,089.41
Luhdorff & Scalmanini	32755	General Services March 2017	03/26/17	\$5,046.25
Neopost (Postage Account)	7900044908384658/417	Postage	04/14/17	\$21.01
Office Depot	920716333001	Office Supplies	04/12/17	\$102.93
Office Team	48098674	Water Meter Project Temporary	04/06/17	\$142.40
Office Team	48148969	Water Meter Project Temporary	04/13/17	\$142.40
Pacific Gas & Electric	1521433231-2/041117	Electric Bill 03/13/17-04/10/17	04/11/17	\$4,595.62
Pacific Gas & Electric	2943721807-5/041017	Electric Bill 03/10/17-04/09/17	04/10/17	\$13,381.66
Paul E. Vaz Trucking, Inc.	48726	Material 04/10/17	04/18/17	\$489.64
Paul E. Vaz Trucking, Inc.	48727	Freight 04/10/17	04/18/17	\$546.39
ReliaStar Life Insurance Company	#JR52 457(B) 043017	457(b) 04/16/17-04/30/17	04/30/17	\$393.02
Ricoh USA, Inc	5048131096	Photocopier	04/18/17	\$134.40
Robert Leete	APRIL 2017	Expense Report April 2017	04/25/17	\$138.00
SDRMA	23247	Ancillary Benefits May 2017	04/24/17	\$572.00
SWRCB	LW-1008437	Water System Annual Permit 2016-2017	04/12/17	\$21,684.00
TASC	450775312003/0517	IRS Sec 125 Health Savings Account May 2017	05/01/17	\$289.99
Tee Janitorial & Maintenance	8759	Janitorial Service April 2017	04/21/17	\$285.60
Univar	SJ807707	Chemicals Delivered 03/30/17	03/30/17	\$158.00
Univar	SJ807709	Chemicals Delivered 03/30/17	03/30/17	\$205.40
Univar	SJ809362	Chemicals Delivered 03/30/17	04/10/17	\$189.60
Univar	SJ809363	Chemicals Delivered 04/10/17	04/10/17	\$213.30
Upper Case Printing, Ink.	11846	Office Supplies	04/19/17	\$93.60
William Mayer	APRIL 2017	Expense Report April 2017	04/25/17	\$138.00
		<b>Water</b>	<b>Sub-Total</b>	<b>\$144,946.83</b>
<b>Wastewater</b>				
Aflac	152812	Supplemental Insurance April 2017	04/25/17	\$508.76
Alhambra	13710019 041417	Bottle Water Service	04/14/17	\$17.79
American Retrofit Systems	1251	Building Maintenance	04/19/17	\$60.00
Amy Morganstein	101	Office Supplies	04/17/17	\$51.00
Bay Area Air Quality Management District	3ZC08	Annual Permit 2017-2018	04/19/17	\$3,216.00
Bill Pease	APRIL 2017	Expense Report April 2017	04/25/17	\$345.00
Chris Steele	APRIL 2017	Expense Report April 2017	04/25/17	\$276.00
Cintas	185600209	Mats	04/12/17	\$14.20
Cintas	185600209	Uniforms	04/12/17	\$10.30
Cintas	185601213	Mats	04/19/17	\$14.20
Cintas	185601213	Uniforms	04/19/17	\$10.30

County Of Contra Costa, Dept of Info Tec	10965	Data Processing Service March 2017	04/18/17	\$29.70
Croce, Sanguinetti & Vander Veen, Inc.	5192	Audit Services FY15/16	04/14/17	\$16,785.00
Kleinfelder, Inc.	1146612	Effluent Filtration Inspection	04/07/17	\$1,809.30
Neopost (Postage Account)	7900044908384658/417	Postage	04/14/17	\$31.51
Office Depot	918155730001	Office Supplies	04/04/17	\$23.74
Office Depot	920623159001	Office Supplies	04/11/17	-\$23.74
Office Depot	920716333001	Office Supplies	04/12/17	\$154.39
Pacific Gas & Electric	1181942262-4/040717	Electric Bill 03/09/17-04/06/17	04/07/17	\$3,394.20
Pacific Gas & Electric	7312115758-7/041317	Electric Bill 03/13/17-04/10/17	04/13/17	\$29,921.30
ReliaStar Life Insurance Company	#JRS2 457(B) 043017	457(b) 04/16/17-04/30/17	04/30/17	\$589.53
Ricoh USA, Inc	5048131096	Photocopier	04/18/17	\$201.61
Robert Leete	APRIL 2017	Expense Report April 2017	04/25/17	\$207.00
SDRMA	23247	Ancillary Benefits May 2017	04/24/17	\$858.01
SWRCB	SW-0134059	State Water Resources Control Board Annual Permit	04/05/17	\$813.00
TASC	450775312003/0517	IRS Sec 125 Health Savings Account May 2017	05/01/17	\$434.98
Tee Janitorial & Maintenance	8759	Janitorial Service April 2017	04/21/17	\$428.40
ULINE	86237033	WWTP#1 Safety Supplies	04/19/17	\$114.16
William Mayer	APRIL 2017	Expense Report April 2017	04/25/17	\$207.00
		<b>Wastewater Sub-Total</b>		<b>\$60,502.64</b>
		<b>Grand Total</b>		<b>\$208,004.47</b>

**Request For Authorization To Pay Invoices (RFA)  
For The Meeting On May 03, 2017  
Town of Discovery Bay, D.Bay L&L Park #8  
For Fiscal Year's 7/16 - 6/17**

<u>Vendor Name</u>	<u>Invoice Number</u>	<u>Description</u>	<u>Invoice Date</u>	<u>Amount</u>
<b>Zone 8</b>				
Cintas	185600209	Uniforms	04/12/17	\$48.39
Cintas	185601213	Uniforms	04/19/17	\$48.39
Comcast	8155400350357156/417	Internet Service	04/15/17	\$160.30
Croce, Sanguinetti & Vander Veen, Inc.	5192	Audit Services FY15/16	04/14/17	\$2,200.00
DC Electric Group, Inc.	27897	Streetlight Pole & Base Replacement	03/30/17	\$6,895.00
Delta Debris Box Service	1312109	20Yd Trash Pull & Replace	03/31/17	\$572.22
Delta Debris Box Service	1312122	40Yd Green Pull & Replace	03/31/17	\$1,746.00
Pacific Gas & Electric	0869258994-1/040917	Electric Bill 03/09/17-04/06/17	04/09/17	\$478.64
Pacific Gas & Electric	5939734421-5/041717	Electric Bill 03/17/17-04/17/17	04/17/17	\$8,268.54
Tee Janitorial & Maintenance	8759	Janitorial Service April 2017	04/21/17	\$720.00
Town Of Discovery Bay CSD	515	Payroll Reimbursement March 2017	4/20/2017	\$27,012.47
<b>Total</b>				<b>\$48,149.95</b>
<b>Community Center</b>				
Alhambra	13710019 041417	Community Center-Bottle Water Service	04/14/17	\$104.51
Big Dog Computer	BDC33299	Community Center-IT Support	03/12/17	\$316.43
Brentwood Press & Publishing	199079	Community Center-Spring/Summer Activity Guides	04/12/17	\$5,588.00
Cintas	185600209	Community Center-Mats	04/12/17	\$53.90
Cintas	185601213	Community Center-Mats	04/19/17	\$53.90
Croce, Sanguinetti & Vander Veen, Inc.	5192	Community Center-Audit Services FY15/16	04/14/17	\$1,000.00
Department of Justice	227989	Community Center-Employment Screening	04/06/17	\$245.00
Discovery Bay River Otters Booster Club	2017	Community Center-Swim Team	04/24/17	\$8,202.00
Lincoln Equipment, Inc.	S1312327	Community Center-Pool Maintenance	04/07/17	\$404.01
Lucia Peters	10	Community Center-Program Fees	04/19/17	\$693.00
Office Depot	919680138001	Community Center-Office Supplies	04/13/17	\$76.16
Office Depot	919680411001	Community Center-Office Supplies	04/13/17	\$203.47
Office Depot	920743600001	Community Center-Office Supplies	04/12/17	\$231.35
Pacific Gas & Electric	5702839598-6/040917	Community Center-Electric Bill 03/10/17-04/07/17	04/09/17	\$2,373.42
Tee Janitorial & Maintenance	8759	Community Center-Janitorial Service April 2017	04/21/17	\$260.00
Trugreen	61220477	Community Center-Landscape Maintenance	03/31/17	\$1,050.00
<b>Total</b>				<b>\$20,855.15</b>
<b>Grand Total</b>				<b>\$69,005.10</b>

**Request For Authorization To Pay Invoices (RFA)**  
**For The Meeting On May 03, 2017**  
**Town of Discovery Bay, D.Bay L&L Park #9 (Ravenswood)**  
**For Fiscal Year's 7/16 - 6/17**

<u>Vendor Name</u>	<u>Invoice Number</u>	<u>Description</u>	<u>Invoice Date</u>	<u>Amount</u>
Cintas	185600209	Uniforms	04/12/17	\$53.58
Cintas	185601213	Uniforms	04/19/17	\$53.58
Croce, Sanguinetti & Vander Veen, Inc.	5192	Audit Services FY15/16	04/14/17	\$2,200.00
Pacific Gas & Electric	0403377952-3/040717	Electric Bill 03/09/17-04/06/17	04/07/17	\$60.59
Tee Janitorial & Maintenance	8759	Janitorial Service April 2017	04/21/17	\$280.00
Town Of Discovery Bay CSD	516	Payroll Reimbursement March 2017	04/20/17	\$3,420.42
Trugreen	61220699	Landscape Maintenance	03/31/17	\$975.00
			<b>Total</b>	<b>\$7,043.17</b>



# Town of Discovery Bay

*"A Community Services District"*

## STAFF REPORT

Meeting Date

May 3, 2017

**Prepared By:** Michael Davies, General Manager

**Submitted By:** Michael Davies, General Manager

MRD

**Agenda Title:**

Purchase of two (2) budgeted 2017 Ford F-250 water and wastewater service trucks.

**Recommended Action**

Approve the purchase of two (2) budgeted 2017 Ford F-250 work trucks for use in water and wastewater services, one (1) chargeable to the FY16/17 budget and one (1) chargeable to the FY17/18 budget; and authorize the General Manager to execute all purchase documents between the Town of Discovery Bay CSD, Bill Brandt Ford and Scelzi Enterprises, Inc. in an amount not exceed \$35,000.00, including taxes and fees, per service truck.

**Executive Summary**

The Town's FY16/17 CIP budget provides \$30,000.00 for the purchase of a new water and wastewater service vehicle. Within the same budget is a vehicle replacement fund exceeding \$5,000.00.

The Town's FY17/18 CIP budget provides for \$35,000.00 for the purchase of a new water and wastewater service vehicle.

The purchase of two new water and wastewater service trucks, as budgeted, is requested. One new service truck will be an addition to our fleet (two water techs currently share one truck) and the other new truck will replace a 2008 Ford F-250 with 74,000+ miles.

This purchase is being made as part of the State of California's Government Pricing Consortium ("GPC"). The GPC has previously advertised and competitively bid this type of vehicle, and other public agencies are allowed to "piggy-back" on those bids. The 2017 Ford F-250 trucks, without beds, will be shipped directly from Ford to Scelzi Enterprises, Inc. in Fresno.

Scelzi Enterprises, Inc. will add the utility service body to the truck frame, do a spray-on bed liner and deliver the trucks to Bill Brandt Ford for Town pick-up estimated to be July 2017.

The approximate total cost per service truck including taxes and fees is \$33,675.36, plus spray-on bed liner at \$899.00, comes to \$34,574.36.

**Fiscal Impact: Yes**

**Amount Requested:** FY16/17 not to exceed \$35,000.00 and FY17/18 not to exceed \$35,000.00

**Sufficient Budgeted Funds Available?:** Yes

**Previous Relevant Board Actions for This Item**

**Attachments**

Order Sheet from Bill Brandt Ford (provides total cost of one truck and service body)

Scelzi Enterprises, Inc. Work Order/Estimates for installation of service body (2 quotes – one for each truck)

Scelzi Enterprises, Inc email quoting \$830 plus sales tax for spray-on bed liner.

AGENDA ITEM: C-4

# BILL BRANDT



**Jim Brandt**  
Dealer

8100 Brentwood Blvd.  
Brentwood, CA 94513

Bus: (925) 634-3551  
Fax: (925) 634-1298  
Cell: (925) 519-9403

jbrandt@billbrandtford.com  
www.billbrandtford.com

CNGP530

==>

04/24/17 14:22:51

Dealer: F72503

Page: 1 of 2

2017 F-SERIES SD

Order No: T113 Priority: F2 Ord FIN: KN947 Order Type: 5B Price Level: 755

Ord PEP: 600A Cust/Flt Name: DISCOVERYBAY PO Number:

	RETAIL		RETAIL
X2A	F250 4X2 S/C \$35070	66D	PU BOX DELETE \$(625)
	164" WHEELBASE		JOB #2 BUILD
Z1	OXFORD WHITE		10000# GVWR PKG
A	VNYL 40/20/40	425	50 STATE EMISS NC
S	MEDIUM EARTH GR	43C	110V/400W OUTLT 75
600A	PREF EQUIP PKG	512	SPARE TIRE/WHL2 295
	.XL TRIM		TELE TT MIR-PWR
	.TRAILER TOW PKG	66S	UPFITTER SWTCH 165
572	.AIR CONDITIONER NC	67E	XTR XTR HD ALT 85
	.AM/FM STER/CLK	794	PRICE CONCESSN
996	.6.2L EFI V8 ENG NC		REMARKS TRAILER
44S	6-SPD AUTOMATIC NC		SP DLR ACCT ADJ
TBK	.LT245 BSW AS 17		SP FLT ACCT CR
X37	3.73 REG AXLE NC		FUEL CHARGE
90L	PWR EQUIP GROUP 915	B4A	NET INV FLT OPT NC
			PRICED DORA NC
			DEST AND DELIV 1295

*# 25,222.- Per Spec's*  
*5,772.- Service Body*  


---

*30,994.-*  
*80.- Doc Fee*  
*8.75 Tire Fee*  
*29.- E-File Fee*  
*2,563.61 TAX 8 1/4%*  


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*# 33,675.36*

TOTAL BASE AND OPTIONS 37275

TOTAL 37275

\*THIS IS NOT AN INVOICE\*



**Scelzi Enterprises, Inc.**

Truck Body Manufacturing  
2286 E. Date, Fresno, CA 93706  
PO Box 12066, CA 93776

**Ruben Uribe**  
Government, Utility & Fleet  
Sales Representative

Email: rubenu@seinc.com

Tel: (559) 237-5541  
Cell: (559) 341-0102  
Toll-Free (800) 858-2883  
Fax: (559) 266-0085  
Website: www.seinc.com



Scelzi Enterprises, Inc.  
 Custom Truck Body Manufacturing

2286 E. Date Street, Fresno, CA 93706, Phone: 800-858-2883  
 Fax: 559-237-5554 Toll Free: (800) 858-2883

**WORK ORDER / ESTIMATE**

128817

Page 1 of 2

Customer: BILL BRANDT FORD  
 Address: 8100 BRENTWOOD BLVD.  
 BRENTWOOD, CA 94513  
 United States

Date: 04/24/17  
 Phone: (925) 634-3551 FAX: (925) 634-1298  
 Contact: JIM BRANDT  
 Terms: Net 10

Make	Year	Model	Vehicle Info	Type	VIN #
	2017	CUSTTRUCK	FORD, F250, SUPERCAB, WHITE, GAS, SRW 56" CA	Customer	TBA

Quantity	Part No / Description	Price
----------	-----------------------	-------

PAINT BODY WHITE  
 MIDSHIP FUEL TANK

\*\*\* RE: TOWN OF DISCOVERY BAY \*\*\*

1 EA	SB-CUSTOM MODEL # SB-98-79-49-38-VO-HO SERVICE BODY SRW 56C.A.-98 LONG, 79 WIDE, 49 FLOOR WIDTH, 38 TALL VERTICAL OPEN TOP SERIES BODY CONFIGURATION DRIVER'S SIDE, HORIZONTAL OPEN TOP SERIES BODY CONFIGURATION PASSENGER SIDE  1EA - ALL LIGHTS TO BE L.E.D.	\$5,383.00/EA
1 EA	BUMPER 6" DIAMOND PLATE STEP BUMPER - POWDER COATED GRAY  1EA - FACTORY RECEIVER HITCH  1EA - TRAILER PLUG 7/4 OEM SOCKET	\$0.00/EA
1 EA	HWD FEE HAZARDOUS WASTE DISPOSAL FEE	\$25.00/EA
1 EA	WEIGHT CERTIFICATE WEIGHT CERTIFICATE OF COMPLETED UNIT	\$28.00/EA
1 EA	TRANSPORTATION TRANSPORTATION ONE WAY TO BRENTWOOD, CA	\$336.00/EA



Scelzi Enterprises, Inc.  
 Custom Truck Body Manufacturing

2286 E. Date Street, Fresno, CA 93706, Phone: 800-858-2883  
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**WORK ORDER / ESTIMATE**

128817

Page 2 of 2

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	2017	CUSTTRUCK	FORD, F250, SUPERCAB, WHITE, GAS, SRW 56" CA	Customer	TBA

Quantity	Part No / Description	Price
----------	-----------------------	-------

**Disclaimer:**

**SCELZI ENTERPRISES INC. DOES NOT GUARANTEE A PERFECT COLOR MATCH  
 DUE TO INCONSISTENCIES IN FACTORY PAINTS AND PROCEDURES**

**REVISIONS AFTER APPROVAL DATE ARE  
 SUBJECT TO ADDITIONAL CHARGES**

**PRICES SUBJECT TO CHANGE WITHOUT NOTICE**

THIS WORK AUTHORIZED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

**Total: \$5,772.00**

*Payment in full on completion of job if credit arrangements have not been made in advance.*

The above quotation is submitted according to specifications submitted by customer. Any alterations or changes increasing production costs will be charged for accordingly.

ESTIMATE PREPARED BY: Uribe, Ruben

SALESMAN: RUBEN URIBE



Scelzi Enterprises, Inc.  
 Custom Truck Body Manufacturing

2286 E. Date Street, Fresno, CA 93706, Phone: 800-858-2883  
 Fax: 559-237-5554 Toll Free: (800) 858-2883

**WORK ORDER / ESTIMATE**

128818

Page 1 of 2

Customer: BILL BRANDT FORD  
 Address: 8100 BRENTWOOD BLVD.  
 BRENTWOOD, CA 94513  
 United States

Date: 04/24/17  
 Phone: (925) 634-3551 FAX: (925) 634-1298  
 Contact: JIM BRANDT  
 Terms: Net 10

Make	Year	Model	Vehicle Info	Type	VIN #
	2016	CUSTTRUCK	FORD, F250, SUPERCAB, WHITE, GAS, SRW 56" CA	Customer	TBA

Quantity	Part No / Description	Price
----------	-----------------------	-------

**PAINT BODY WHITE  
 MIDSHIP FUEL TANK**

\*\*\* RE: TOWN OF DISCOVERY BAY \*\*\*

1 EA	SB-CUSTOM MODEL # SB-98-79-49-38-VO-HO SERVICE BODY SRW 56C.A.-98 LONG, 79 WIDE, 49 FLOOR WIDTH, 38 TALL VERTICAL OPEN TOP SERIES BODY CONFIGURATION DRIVER'S SIDE, HORIZONTAL OPEN TOP SERIES BODY CONFIGURATION PASSENGER SIDE  1EA - ALL LIGHTS TO BE L.E.D.	\$5,383.00/EA
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Custom Truck Body Manufacturing

2286 E. Date Street, Fresno, CA 93706, Phone: 800-858-2883  
Fax: 559-237-5554 Toll Free: (800) 858-2883

**WORK ORDER / ESTIMATE**

128818

Page 2 of 2

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Quantity	Part No / Description	Price
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**REVISIONS AFTER APPROVAL DATE ARE  
SUBJECT TO ADDITIONAL CHARGES**

**PRICES SUBJECT TO CHANGE WITHOUT NOTICE**

THIS WORK  
AUTHORIZED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

**Total: \$5,772.00**

*Payment in full on completion of job if credit arrangements have not been made in advance.*

The above quotation is submitted according to specifications submitted by customer. Any alterations or changes increasing production costs will be charged for accordingly.

ESTIMATE  
PREPARED BY: Uribe, Ruben

SALESMAN: RUBEN URIBE

Agenda Item C-4



# Town of Discovery Bay

*"A Community Services District"*

## STAFF REPORT

Meeting Date

May 3, 2017

**Prepared By:** Michael Davies, General Manager  
**Submitted By:** Michael Davies, General Manager

MRD

### Agenda Title:

Approval of DRAFT revisions to Board Policy #012 and #013 to require specified users of Town parks and facilities to provide liability insurance with a separate additional insured endorsement.

### Recommended Action

Approve the DRAFT revisions to Board Policy #012 and #013 as recommended by the Standing Parks and Recreation Committee.

### Executive Summary

Due to the upswing in rental activity of the Town's Community Center, parks and facilities, staff undertook a review of Board Policy #012 (Park Rules and Regulations – last revised 07/11/13)) and Policy #013 (Park & Facility Usage & Rental Policy – last revised 10/19/16).

The Town's insurance carrier, Special District Risk Management Authority ("SDRMA"), was asked to review and make recommendations on insurance requirements for renters and users of the Town's parks and facilities. SDRMA recommended that both policies contain an insurance requirement that specified users provide a Certificate of Liability Insurance showing coverage in the amount of one million dollars (\$1,000,000.00), with a separate additional insured endorsement listing the Town of Discovery Bay CSD, its officers, officials, employees and volunteers as additional insureds on the policy.

Attached hereto, are the relevant sections of Policy #012 and Policy #013, with revisions as recommended by SDRMA.

The DRAFT revisions were reviewed and discussed at the March 19, 2017 Standing Park and Recreation Committee meeting. The committee's recommendation is for Board approval of the DRAFT revisions for Policy #012 and Policy #013.

### Previous Relevant Board Actions for This Item

### Attachments

C-5-2 Policy 012 - Park Rules Regulations DRAFT Sec. XII and XXIV Revisions 05-03-2017  
C-5-3 Policy 013 - Park and Facility Usage and Rental DRAFT Sec. III Revisions 05-03-2017

AGENDA ITEM: C-5

Before leaving the premises, a park user starting a fire in an authorized place shall be responsible for assuring that the fire is thoroughly extinguished. Used coals, fuel or other flammable material used to cook should be left on the grill provided in the park and should not be dumped into garbage receptacles, bushes or on any lawn area.

#### **XII. USE OF INFLATABLE PLAY EQUIPMENT**

The District requires any user, or operator, who intend to bring inflatable play equipment into the park provide the District with ~~a certificate of liability insurance for one million dollars (\$1,000,000.00) with the Town of Discovery Bay Community Services District named as an additional insured. The certificate must be on file with the District office at least five (5) business days prior to the event.~~ a Certificate of Liability Insurance showing valid liability coverage in the amount of \$1,000,000. A separate additional insured endorsement must be submitted listing the "Town of Discovery Bay CSD, its officers, officials, employees, and volunteers" as additional insured on the policy. Insurance Certificates must be submitted to the District at least five (5) days prior to the scheduled reservation. Proof of insurance may be faxed to (925) 513.2705.

Inflatable play equipment may only be operated in areas specifically designated by the District.

Power sources are not available at Ravenswood Park. Generators may be used only with District authorization, and only between the hours of 10am and 6pm.

#### **XIII. GOLF, ARCHERY AND HORSESHOES**

No person shall play or practice golf, archery or horseshoes, except in designated areas.

#### **XIV. MODEL AIRPLANES, CARS AND OTHER SIMILAR DEVICES**

No person shall fly model airplanes or operate gas powered model cars, vehicles, or other similar gas powered remote controlled devices within the grounds of any District park.

Battery powered remote controlled vehicles or devices may be used, but in a courteous manner, yielding to pedestrians and other park users.

#### **XV. RESTROOM USE**

No person shall use restrooms designated for the opposite sex, except children (age 6 and under) accompanied by an adult.

All persons shall cooperate in maintaining restrooms in a neat and sanitary condition.

#### **XVI. ALCOHOL**

No person shall consume, possess, sell, serve or cause to be served, any alcoholic beverage of any kind within a park area (reserved or not).

Violation of this regulation shall be grounds for immediate removal from any park area, citation by the Contra Costa County Sheriff's Department, and revocation of future use and reservation privileges.

#### **XVII. DISORDERLY CONDUCT PROHIBITED**

Public parks are for the enjoyment and benefit of those persons who desire to use the facilities in an orderly manner. Disorderly conduct, including the following, is prohibited:

flowers, shall be performed solely under the authorization of the District's General Manager or his/her designee.

No person shall use a park or any portion of the park when posted by the District as being closed for any reason, including, but not limited to when the park or portion thereof is closed for repairs or maintenance.

No user may engage in graffiti, tagging, or other defacing of District property or the property of others.

No person shall place or dump any foreign material like dirt, rocks, grass clippings, building materials, bottles, cans or anything similar on or within all parks and common areas.

#### **XXIV. CONDITIONS AND LIMITATIONS**

Entry into the parks including reservations issued under the provisions of this chapter are subject to such reasonable conditions as the issuing body may deem necessary in order to ensure that the proposed use will be compatible with the general use of the park. Such conditions may include, but are not limited to the following:

1. Limitations on the times during which the proposed use will be permitted;
2. Limitations on the locations at which the use will be permitted;
3. Limitations on the number of people that will be permitted to participate in a use given a location;
4. Requirement that the applicant furnishes a CERTIFICATE OF LIABILITY INSURANCE showing valid liability coverage in the amount of \$1,000,000. A separate ADDITIONAL INSURED ENDORSEMENT must be submitted listing the "Town of Discovery Bay CSD, its officers, officials, employees, and volunteers" as additional insured on the policy. Insurance Certificates must be submitted to the District at least five (5) days prior to the scheduled reservation.  
~~proof of insurance for one million dollars (\$1,000,000.00), naming the District as an additional insured when the event poses serious liability to the District, its agents and/or employees;~~
5. Requirement that the applicants furnish private patrol or security where the nature of the use will impose undue burdens on the police services of the District;
6. Requirement that the applicants provide temporary sanitary facilities, trash containers, etc.
7. Require that the applicant post fees, deposits, or other security to cover the extraordinary costs which may be incurred by the District as a result of the proposed use.

No conditions imposed under these Rules and Regulations shall unreasonably interfere with the rights of individuals to express themselves or assemble, provided, however, that such activities shall be subject to such reasonable regulations so as to ensure the rights of the people to use their public parks shall not be unreasonably impaired. All users shall comply with all park rules and regulations unless otherwise specifically exempted there from.

**END**

## **II. ELIGIBILITY & PRIORITY**

The District reserves the right to exclude or remove activities it deems inappropriate for public use. District business will take precedence over any and all other meetings. Groups that have a reservation in advance are subject to cancellations, in rare circumstances, to accommodate this priority. All fees will be returned to the user if the District requires a cancellation or relocation of the reserved event.

In issuing permits, priority shall be given to Discovery Bay residents and events serving the Discovery Bay community.

## **III. RESERVATION REQUIREMENTS**

The renter must be over 18 years of age, and submit a complete Reservation Form to the Community Center, a refundable damage deposit, and all applicable user fees and insurance as described in Insurance Requirements. Renters are required to provide the name and phone number of the principal contact person and a secondary contact. This person must be present onsite during the approved rental period and will be the emergency contact, and is responsible for ensuring compliance with the policies outlined. A copy of the permit must be onsite and available upon request by District staff or representatives during approved rental period.

Single day reservation may be made up to one (1) year in advance. Long-term league reservations may be made up to four (4) months in advance, unless previously approved by the Town of Discovery Bay CSD Board of Directors.

No reservation or agreement will be approved or signed until the requesting user has paid the applicable deposits and fees.

~~**Insurance Requirements:** All sports leagues, organizations, groups over 50, or inflatable play equipment operators are required to provide the District with a valid Certificate of Liability Insurance (in the amount of \$1,000,000.00), with the Town of Discovery Bay Community Services District listed as an additionally insured. Insurance Certificates must be submitted to the District at least five (5) days prior to the scheduled reservation.~~

~~**Insurance Requirements:** All sports leagues, organizations, or inflatable play equipment operators are required to provide the District with a CERTIFICATE OF LIABILITY INSURANCE showing valid liability coverage in the amount of \$1,000,000. A separate ADDITIONAL INSURED ENDORSEMENT must be submitted listing the "Town of Discovery Bay CSD, its officers, officials, employees, and volunteers" as additional insured on the policy. Insurance Certificates must be submitted to the District at least five (5) days prior to the scheduled reservation.~~

**Cancellations:** Park Rental cancellations occurring five (5) business days or more prior to the event will be refunded all fees and deposits. Cancellations occurring four (4) business days or less prior to the event will forfeit all applicable fees but be refunded all of the deposit.

Cancellation for Indoor Facility Rentals at the Community Center occurring sixty (60) days or more prior to the event will be refunded all fees and deposits. Cancellations less than sixty (60) days, but more than thirty (30) days prior to the event date will forfeit 25% of the total fees. Cancellations less than



# Town of Discovery Bay

*"A Community Services District"*

## STAFF REPORT

Meeting Date

May 3, 2017

**Prepared By:** Michael Davies, General Manager  
**Submitted By:** Michael Davies, General Manager

MRD

### Agenda Title

Authorize Board President to sign the attached letter to Senator Cannella opposing SB 496.

### Recommended Action

Authorize Board President to sign the attached letter to Senator Cannella opposing SB 496, which if signed into law, gives indemnity to design professionals. CSDA is in opposition to this Bill.

### Executive Summary

CSDA is strongly opposed to SB 496.

Current law provides, with respect to contracts and amendments to contracts entered into on or after January 1, 2011, with a public agency, as defined, for design professional services, that all provisions, clauses, covenants, and agreements contained in, collateral to, or affecting these contracts or amendments to contracts that purport to require the design professional to defend the public agency under an indemnity agreement, including the duty and the cost to defend, are unenforceable, except for claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the design professional. This bill would instead make these provisions applicable to all contracts for design professional services entered into on or after January 1, 2018.

CSDA has provided a sample opposition letter which has been customized for use by the Town and is attached for signature.

**Fiscal Impact:** None

**Amount Requested** \$ n/a

### Previous Relevant Board Actions for This Item

Senate Bill 496 (Cannella) – Oppose [As Amended April 5, 2017]

AGENDA ITEM: C-6



# TOWN OF DISCOVERY BAY

*A COMMUNITY SERVICES DISTRICT*



President – Robert Leete • Vice-President – Kevin Graves • Director – Bill Mayer • Director – Bill Pease • Director – Chris Steele

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May 3, 2017

The Honorable Anthony Cannella  
California State Senate  
State Capitol Building  
Sacramento, CA 95814

**RE: Senate Bill 496 (Cannella) – Oppose [As Amended April 5, 2017]**

Dear Senator Cannella:

The Town of Discovery Bay Community Services District (“Discovery Bay CSD”) regrets to inform you of our opposition to SB 496, related to contract indemnity for design professionals. Discovery Bay CSD provides drinking water, wastewater, and park and recreation services to a community of about 15,000 people located in Eastern Contra Costa County.

SB 496 provides that engineers and architects, known as design professionals, have no duty to defend claims against public works project owners, even in cases where the design professional is at fault. Specifically, the bill eliminates the ability of a public agency to contract with design professionals for upfront legal defense costs against claims related to a project’s design work. When contracting with a design professional, public agencies often place a clause in the agreement requiring the design professional to legally defend the public agency if a claim or lawsuit directly related to the design services work is filed against the agency. This current practice fosters an environment of collaboration between the public agency and the design professional who both have the same incentive to resolve the lawsuit or claim.

This bill instead prohibits a public agency from requiring the design professional to defend a claim directly connected to the work of the design professional. This forces taxpayers to front the legal costs for the private sector, even for claims where the design professional is ultimately deemed to be 100 percent at fault. Requiring the public agency to defend the actions of the design professional necessitates a reimbursement process that results in the public agency defending the actions of the design professional and shouldering upfront all the associated costs. The public agency would then have to seek reimbursement from the design professional, to the extent the design professional is found negligent, once a settlement is reached or the claim is fully litigated and a court or arbitrator renders a final decision. This process not only requires a public entity to front the costs for a private entity, it also creates conflict within the public-private partnership, effectually eliminating the incentive to work together towards a swift settlement.

Discovery Bay CSD respectfully opposes SB 496.

Sincerely,

Robert Leete, Board President  
Town of Discovery Bay Community Services District

CC: Tyler Munzing, Office of Senator Anthony Cannella [tyler.munzing@sen.ca.gov]  
Assemblyman Jim Frazier  
Senator Steve Glazier  
Rylan Gervase, Legislative Representative, California Special Districts Association  
[rylang@csda.net]  
Eric Dang, Assembly Judiciary Committee [eric.dang@asm.ca.gov]



# Town of Discovery Bay

*"A Community Services District"*

## STAFF REPORT

Meeting Date

May 3, 2017

**Prepared By:** Michael Davies, General Manager  
**Submitted By:** Michael Davies, General Manager

MPD

### Agenda Title

Discussion and possible action to designate a Town Board Member and alternate to the East County Water Management Association Governing Board Representatives; and make nomination, if at all, for appointment to office.

### Recommended Action

Designate the Town of Discovery Bay official representative and one alternate to the East County Water Management Association ("ECWMA") Governing Board Representatives ("GBR"), and make nomination, if at all, for ECWMA Governing Board Chair, Vice-Chair or Secretary.

### Executive Summary

Currently, the ECWMA Governing Board & Joint Managers roster shows Director Pease as the Town's main contact representative and President Leete as the alternate contact representative. If the Board chooses to change the main and/or the alternate contact for the ECWMA Governing Board & Joint Managers roster we may do so at this time. The practice in the past has been to name the Town's Board President as the main contact representative and the Town's Board Vice-President as the alternate contact representative.

The ECWMA Bylaws state that the ECWMA shall be governed and operated by the Governing Board Representatives (GBR) which shall be comprised of one elected official representative from each member agency. Each member agency shall have one vote on the GBR. All actions of the GBR shall require the affirmative vote of a majority of its members. The GBR shall provide policy guidance in the implementation of the purposes of the ECWMA and authorize disbursement of funds.

There is a Call for Nomination for the three ECWMA Governing Board positions: Chair, Vice Chair, and Secretary. An election will be held at the May 25<sup>th</sup> Governing Board meeting and will be voted on by the ECWMA Governing Board. The term of office for each of the positions is two years.

If the Board wishes to make a nomination, we have been asked to submit the nominations by May 10<sup>th</sup>.

### Fiscal Impact:

Amount Requested \$ n/a

### Previous Relevant Board Actions for This Item

AGENDA ITEM: G-1

APR 20 2017

## NOTICE OF A PUBLIC HEARING

You are hereby notified that on WEDNESDAY, APRIL 26, 2017, at 7:00 p.m. at 30 Muir Road, Martinez, California, the County Planning Commission will consider a ZONING TEXT AMENDMENT as described as follows:

ZONING TEXT AMENDMENT (COUNTY FILE #ZT16-0004) TO REPEAL EXISTING CHAPTER 82-24 OF THE COUNTY ORDINANCE CODE RELATED TO RESIDENTIAL SECOND UNITS: This is a County initiated zoning text amendment to repeal Chapter 82-24 of the County Ordinance Code, relating to Residential Second Units, and replace it by adopting a new Accessory Dwelling Unit Ordinance for Chapter 82-24 that would comply with the provisions of California Government Code, Section 65852.2. Modifications are also proposed for Section 84-14.402 of the R-20 District, and Sections 84-74.404, 84-74.604, and 84-74.606 of the Kensington (K) Combining District. As required under California Government Code, Section 65852.2, the text amendment would provide more flexibility for the establishment of accessory dwelling units, including but limited to, more flexibility for off-street parking requirements.

For purposes of compliance with the provisions of the California Environmental Quality Act (CEQA), staff has determined that the proposed text amendment to the County Ordinance is covered by a CEQA Statutory Exemption Section 15282(h) which exempts the adoption of ordinances pertaining to residential second units and it also exempt under the general rule of applicability, Section 15061(b)(3), that CEQA only applies to projects which have the potential for causing a significant effect on the environment.

If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the County at, or prior to, the public hearing.

For further details, contact the Contra Costa County Department of Conservation and Development, Community Development Division, 30 Muir Road, Martinez, California, or Telma B. Moreira at 925-674-7783.

John Kopchik, Director  
Department of Conservation and Development